

City of East Wenatchee, Washington

Ordinance No. 2016-07

An Ordinance of the City of East Wenatchee banning the sale, possession, and use of fireworks by repealing Ordinance 2004-02, by repealing Ordinance 2003-03, and by enacting a new version of Chapter 8.16 of the East Wenatchee Municipal Code.

Una Ordenanza de la Ciudad de East Wenatchee que prohíbe la venta, posesión y uso de fuegos artificiales, revocando la Orden 2004-02, , revocando la Orden 2003-03, y mediante la promulgación de una nueva versión del Capítulo 8.16 del Código Municipal de East Wenatchee.

1. Alternate format.

- 1.1. Para leer este documento en otro formato (español, Braille, leer en voz alta, etc.), póngase en contacto con el vendedor de la ciudad al alternatformat@east-wenatchee.com, al (509) 884-9515 o al 711 (TTY).
- 1.2. To read this document in an alternate format (Spanish, Braille, read aloud, etc.), please contact the City Clerk at alternateformat@east-wenatchee.com, at (509) 884-9515, or at 711 (TTY).

2. Recitals.

- 2.1. The City of East Wenatchee (“City”) is a non-charter code City duly incorporated and operating under the laws of the State of Washington; and
- 2.2. The City Council of East Wenatchee (“City Council”) finds that it is in the best interests of the City and its citizens to ban the sale, possession, and use of fireworks within the city limits.

3. **Authority.** RCW 35A.11.020 and RCW 35A.12.190 authorize the City Council to adopt ordinances of all kinds to regulate its municipal affairs and appropriate to the good government of the City. RCW 70.77.250(4) authorizes the City Council to adopt a fireworks ordinance that is more restrictive than state law. An ordinance more restrictive than state law, however, has an effective date no sooner than one year after its adoption.

THE CITY COUNCIL OF THE CITY OF EAST WENATCHEE DO
ORDAIN AS FOLLOWS:

4. **Repeal.** The City Council repeals Ordinance 2004-02 and Ordinance 2003-03.
5. **Adoption.** The City Council adopts the following language of Chapter 8.16 of the East Wenatchee Municipal Code:

Chapter 8.16

FIREWORKS

Sections:

- 8.16.010 State statutes adopted by reference.
- 8.16.020 State regulations adopted by reference.
- 8.16.030 Sale, use or discharge of fireworks unlawful – Exemptions.
- 8.16.030 Possession or use of explosives unlawful.
- 8.16.040 Violations – Penalties.
- 8.16.050 Violations – Penalties adopted by reference.
- 8.16.060 Separate violations – Continuing offense.

8.16.010 State statutes adopted by reference.

The City Council adopts the provisions set forth in Chapter 70.77 RCW (as enacted or as amended) as applicable in the city, except as specifically set forth in other sections of this chapter of the East Wenatchee Municipal Code.

8.16.020 State statutes adopted by reference.

The City Council adopts the provisions set forth in Chapter 212-17 WAC (as enacted or as amended) as applicable in the city, except as specifically set forth in other sections of this chapter of the East Wenatchee Municipal Code.

8.16.030 Sale, use or discharge of fireworks unlawful – Exemptions.

It is unlawful for a person to sell, offer to sell, possess, use, discharge, ignite, or explode fireworks within the city. But this prohibition does not apply to a person who is authorized by RCW 70.77.311(2) to purchase or use consumer fireworks or audible ground devices.

8.16.040 Violations – Penalties.

The City Council adopts the penalties and violations set forth in RCW 70.77.485, 70.77.488, 70.77.495, 70.77.510, 70.77.515, and 70.77.517 as ordinances of the city. To the extent that these state law provisions reference misdemeanor or gross misdemeanor penalties, those penalties are the same as set forth in EWMC 1.20.010.

- 6. Severability.** If a court of competent jurisdiction declares any provision in this Ordinance to be contrary to law, such declaration shall not affect the validity of the other provisions of this Ordinance.
- 7. Publication.** The City Council directs the City Clerk to publish a summary of this Ordinance. The summary shall consist of the title of this Ordinance. The City Council directs the City Clerk to publish a copy of this Ordinance on the City's website.
- 8. Effective Date.** This Ordinance becomes effective one year after the date its summary is published (RCW 70.77.250).

Passed by the City Council of East Wenatchee, at a regular meeting thereof on this _____ day of _____, 2016.

The City of East Wenatchee,
Washington

By _____
Steven C. Lacy, Mayor

Authenticated:

Dana Barnard, City Clerk

Approved as to form only:

Devin Poulson, City Attorney

Filed with the City Clerk: 7/7/16

Passed by the City Council: _____

Published: _____

Effective Date: _____

REJECTED

3/4

(McCourt, Sterk, Detering, Buckner)

**Summary of
City of East Wenatchee, Washington
Ordinance No. 2016-07**

On the ____ day of _____, 2016, the City Council of the City of East Wenatchee, Washington approved Ordinance No. 2016-07, the main point of which may be summarized by its title as follows:

An Ordinance of the City of East Wenatchee banning the sale, possession, and use of fireworks by repealing Ordinance 2004-02, by repealing Ordinance 2003-03, and by enacting a new version of Chapter 8.16 of the East Wenatchee Municipal Code.

The full text of this Ordinance is available at www.east-wenatchee.com.

Dated this ____ day of _____, 2016.

Dana Barnard, City Clerk